

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6062L

v.

FREDERICK ROLLE,

Defendant.

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Defendant Frederick Rolle recently filed, *pro se*, a motion (Dkt. # 183) that is largely unintelligible but seems to seek release under habeas corpus principles and some monetary damages. The motion is in all respects denied. Rolle pleaded guilty several years ago pursuant to a plea agreement and agreed to a specific sentence, principally 151 months imprisonment, pursuant to FED. R. CRIM. P. 11(c)(1)(C). Rolle received a benefit from this bargain because, pursuant to it, the Government did not file an Information which would have subjected Rolle much more severe penalties.

Pursuant to that agreement, the Court accepted the plea agreement and sentenced Rolle accordingly.

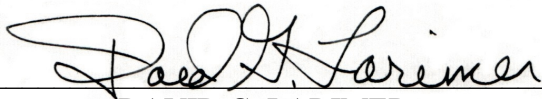
Rolle appealed that judgment but the appeal was dismissed. Rolle also file a petition to vacate the judgment pursuant to 28 U.S.C. § 2255, but this Court denied the petition and dismissed

the action, and also declined to file a certificate of appealability. There is, therefore, no basis whatsoever for Rolle's present application, and it must be dismissed.

#### CONCLUSION

The motion filed by defendant, Frederick Rolle, (Dkt. #183), is hereby denied in all respects. Defendant's motion for an extension of time to file a reply (Dkt. #176) to the Government's response in opposition to defendant's motion to vacate the judgment pursuant to 28 U.S.C. § 2255 is denied as moot.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 21, 2010.